

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

F.S. ORSAY,

Plaintiff,

v.

CAPITAL ONE, N.A. et al.,

Defendants.

Case No. 2:23-cv-00010-SB-KS

ORDER DISMISSING CASE

Plaintiff filed a small claims action against Defendants in state court on November 1, 2022, and Defendant Capital One Financial Corporation removed to this Court on January 3, 2023. Dkt. No. [1](#). On January 9, 2023, Plaintiff manually filed a notice of voluntary dismissal, which was entered on the docket on January 13, 2023. Dkt. No. [10](#). Defendants filed a motion to dismiss Plaintiff's complaint on January 10, 2023, which was entered on the docket on that day. Dkt. No. [7](#). Plaintiff responded to the motion to dismiss, asserting that Defendants acted frivolously by filing the motion after she filed her voluntary dismissal and requesting that sanctions be imposed. Dkt. No. [11](#).

Because it appears that the motion to dismiss was filed and entered before Plaintiff's voluntary dismissal, Defendants would not necessarily have been made aware of Plaintiff's dismissal prior to their filing the motion. Accordingly and pursuant to Plaintiff's voluntary dismissal, the Court hereby DISMISSES this action without prejudice and Defendant's motion to dismiss is denied as MOOT. Plaintiff's request for sanctions is DENIED. The mandatory scheduling conference set for February 17, 2023 is VACATED. The Clerk is directed to close this case. IT IS SO ORDERED.

Date: January 23, 2023



Stanley Blumenfeld, Jr.
United States District Judge